

U.S. PROBATION OFFICE

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE**

FILED

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

U.S. DISTRICT COURT
EASTERN DIST. TENN.

Name of Offender: Rebecca Faye Kirby

Docket Number: 3:04-CR-46-001
BY DEPT. CLERK

Name of Sentencing Judicial Officer: The Honorable Thomas W. Phillips
United States District Judge

Date of Original Sentence: August 16, 2004

Original Offense: Delay or Destruction of Mail, in violation of Title 18 U.S.C. § 1703(a)

Class: D Felony

Criminal History Category: I

Original Sentence: Three Years Probation

Revocation - February 22, 2007: Three months imprisonment to be followed by a two-year term of supervised release. As a special condition, the defendant shall reside for three months at Midway Reentry Center.

Type of Supervision: Supervised Release

Date Supervision Commenced: August 16, 2004; supervision revoked; second term commenced on May 15, 2007.

Date Supervision Expires: May 14, 2009

Assistant U.S. Attorney: Charles E. Atchley, Jr.

Defense Attorney: Elizabeth B. Ford

PETITIONING THE COURT

To modify the conditions of supervision as follows:

The defendant shall serve two (2) consecutive weekends in custody at the Blount County Jail, from Friday at 6:00 p.m., to Sunday at 6:00 p.m.

**REQUEST FOR MODIFYING THE CONDITIONS OR TERM
OF SUPERVISION WITH CONSENT OF OFFENDER**

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RE: Rebecca Faye Kirby

CAUSE

On July 11, 2007, Ms. Kirby reported to Midway Reentry Center to begin serving her 90 days. At the time of entry, a drug screen was taken and Ms. Kirby tested positive for cocaine and methadone. She admitted to using cocaine, but denied methadone use. In spite of her testing positive for drug use, Midway allowed her to enter the program, and she successfully completed the program on October 10, 2007. She was immediately referred to substance abuse counseling with Cherokee Health Systems and placed on the code-a-phone drug testing system at Midway.

On January 11, 2008, Ms. Kirby tested positive for marijuana use at Midway. She initially denied usage, but eventually admitted that she had used marijuana. This irresponsible behavior has been discussed with her at great length, and it was mutually decided that continued substance abuse counseling/testing and a sanction of jail time would be appropriate in this case if the Court approved. Moreover, Ms. Kirby still has community service hours to address. This officer is respectfully requesting that the Court allow Ms. Kirby to remain on supervision and modify her conditions of supervision, to include a period of jail time. Ms. Kirby has voluntarily signed the attached waiver of hearing for the Court to modify her conditions.

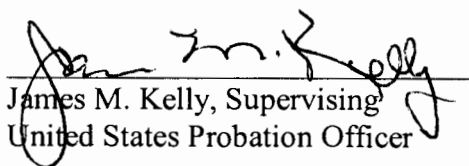
Assistant United States Attorney Charles E. Atchley, Jr. has no objection to the request for modification of Ms. Kirby's conditions of supervision.

Respectfully submitted,



Elaine Johnson
United States Probation Officer
Knoxville Division

APPROVED:



James M. Kelly, Supervising
United States Probation Officer

2.6.08
Date

ORDER OF COURT:

The conditions of supervision are hereby modified as follows:

The defendant shall serve two (2) consecutive weekends in custody at the Blount County Jail, from Friday at 6:00 p.m., to Sunday at 6:00 p.m.

So ordered.

ENTER.



The Honorable Thomas W. Phillips
United States District Judge

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision


UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF TENNESSEE

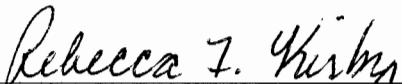
Name of Offender: Rebecca Faye Kirby
Docket Number: 3:04-CR-46-001

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall serve two (2) consecutive weekends in custody at the Blount County Jail, from Friday at 6:00 p.m., to Sunday at 6:00 p.m.

Witness: 
U.S. Probation Officer

Signed: 
Probationer or Supervised Releasee

1-4-08

Date